

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

JUAN CARLOS LEON-HERRERA,

Plaintiff,

v.

Civ. No. 24-153 MIS/GJF

BAR-S FOODS CO. d/b/a SIGMA-FOODS,  
JORGE ZUNIGA ISAIS d/b/a  
RVJ TRANSPORT, CUSTOM PRO LOGISTICS,  
LLC, THE SYGMA NETWORK, INC.,  
and CAL FRESCO, LLC,

Defendants.

**ORDER TO SHOW CAUSE**

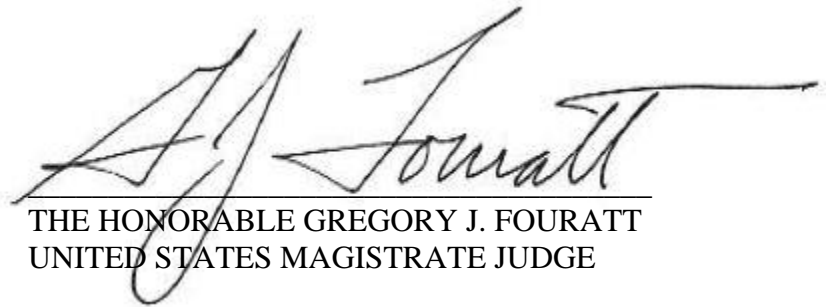
THIS MATTER comes before the Court *sua sponte*. Plaintiff commenced this action on February 14, 2024. ECF 1. On August 6, 2024, Plaintiff sought permission from the Court to file an amended complaint. ECF 26. Plaintiff received permission the following day. ECF 27. Plaintiff filed his Amended Complaint on August 20, 2024, which added Custom Pro Logistics, LLC, The Sygma Network, Inc., and Cal Fresco, LLC, as defendants. ECF 30. Cal Fresco, LLC, and Sygma Network, Inc., were served on September 10, 2024 [ECFs 35, 36], and Custom Pro Logistics, LLC, was served on September 20, 2024 [ECF 37]. Sygma Network, Inc., answered on October 1, 2024 [ECF 38], and Custom Pro Logistics, LLC, filed a Motion to Dismiss on October 25, 2024 [ECF 41].

Despite being served with process some 73 days ago, Cal Fresco, LLC, has not filed an entry of appearance or anything else in this case. Federal Rule of Civil Procedure 12(a) requires a defendant to respond to a complaint “within 21 days after being served with the summons and complaint[.]” Fed. R. Civ. P. 12(a)(1)(A)(i). Cal Fresco, LLC, therefore had until October 11, 2024, to respond to the Amended Complaint or to seek an extension of time but appears to have

done neither. Yet for reasons not known to the Court, Plaintiff has made no further effort to prosecute his claims against Cal Fresco, LLC, whether under Federal Rule of Civil Procedure 55 or otherwise.<sup>1</sup>

Therefore, **IT IS ORDERED** that **on or before December 6, 2024**, Plaintiff must show cause in writing why he has not sought relief under Rule 55 or otherwise prosecuted his claims against Cal Fresco, LLC. Plaintiff is cautioned that his failure to show sufficient cause could lead to the dismissal without prejudice of his claims against Cal Fresco, LLC.

**SO ORDERED.**



THE HONORABLE GREGORY J. FOURATT  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> Federal Rule of Civil Procedure 55(a) provides that “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.”